

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
RONNIE ALEXANDER,

Plaintiff,

-against-

Index No.
Date Filed:

Plaintiffs designate
KINGS
County as the place
Of Trial

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER
JOHN DOE #1, POLICE OFFICER JOHN
DOE #2, POLICE OFFICER JOHN DOE #3,
POLICE OFFICER JANE DOE #1, POLICE
OFFICER JANE DOE #2, POLICE OFFICER
JANE DOE #3, the names of the Police
Officers being fictitious and
presently unknown to plaintiffs, but
intended to represent the individual
Police Officers and Superior Police
Officers involved as set forth below,

Defendant.


The basis of venue is
Situs of Incident

SUMMONS

-----X
To the above named Defendants

YOU ARE HEREBY SUMMONED to answer the complaint in this action
and to serve a copy of your answer, or, if the complaint is not
served with this summons, to serve a notice of appearance, on the
Plaintiff(s) Attorney(s) within 20 days after the service of this
summons, exclusive of the day of service (or within 30 days after
the service is complete if this summons is not personally delivered
to you within the State of New York); and in case of your failure
to appear or answer, judgment will be taken against you by default
for the relief demanded in the complaint.

DATED: December 5, 2014



ALATSAS & TAUB, P.C.
Attorneys for Plaintiff(s)
2115 Avenue U
Brooklyn, NY 11229
(718) 891-1200

Defendant(s) Address:

THE CITY OF NEW YORK
CO/CORPORATION COUNSEL
100 Church Street, 4th Fl.
New York, NY 10007

NEW YORK CITY POLICE DEPARTMENT
CO/CORPORATION COUNSEL
100 Church Street, 4th Fl.
New York, NY 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
RONNIE ALEXANDER,

VERIFIED
COMPLAINT

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER
JOHN DOE #1, POLICE OFFICER JOHN
DOE #2, POLICE OFFICER JOHN DOE #3,
POLICE OFFICER JANE DOE #1, POLICE
OFFICER JANE DOE #2, POLICE OFFICER
JANE DOE #3, the names of the Police
Officers being fictitious and
presently unknown to plaintiffs, but
intended to represent the individual
Police Officers and Superior Police
Officers involved as set forth below,

Defendants.

Index No.

-----X

Plaintiff, by his attorneys, ALATSAS & TAUB, P.C., as and for his Verified Complaint,
respectfully allege as follows:

1. This action falls within one or more of the exceptions set forth in CPLR 1602.
2. Upon information and belief, at all times defendant¹ City of New York was a municipal corporation authorized, organized and existing under the laws of the State of New York.
3. Upon information and belief, at all times herein mentioned the New York City Police Department was an agency of the City of New York.
4. Upon information and belief, at all times herein mentioned, the defendant, operated and controlled a police department and employed servants, agents and employees.

¹All references to "defendant" throughout this complaint are intended to refer individually to each defendant named in the caption unless otherwise specified.

5. Upon information and belief, at all times herein mentioned, the defendant, operated and controlled a police department and employed servants, agents and employees, including police officers, superior police officers and police dogs.
6. Upon information and belief, at all times herein, mentioned, the defendant, operated and controlled a police department and employed servants, agents and employees, including Police Officer John Doe #1, Police Officer John Doe #2, Police Officer John Doe #3, Police Officer Jane Doe #1, Police Officer Jane Doe #2, Police Officer Jane Doe #3 and police dogs, the names of the Police Officers being fictitious and presently unknown to plaintiffs, but intended to represent individual Police Officers involved as set forth herein.
7. Upon information and belief, at all times herein, mentioned, the defendant, operated and controlled a police department that employed, controlled, managed, and supervised servants, agents and employees, including Police Officer John Doe #1, Police Officer John Doe #2, Police Officer John Doe #3, Police Officer Jane Doe #1, Police Officer Jane Doe #2, Police Officer Jane Doe #3 and police dogs, the names of the Police Officers being fictitious and presently unknown to plaintiffs, but intended to represent individual Police Officers and the police dog involved as set forth herein, (hereinafter referred to collectively as the "Police defendants").
8. Upon information and belief, at all times herein mentioned, the Police defendants were employed as Police Officers by the defendant.
9. Upon information and belief, at all times herein mentioned, the Police dog was controlled, managed, supervised, used, commanded, and under the dominion and jurisdiction and authority of and/or by the defendant.
10. On March 10, 2014, a Notice of Claim was filed with the Comptroller of the City of New York on behalf of the plaintiff.

11. On March 10, 2014, a Notice of Claim was filed with an agent of the New York City Police Department who was authorized to accept such service on behalf of the plaintiff.
12. The plaintiff has duly complied with the pre-requisites for the commencement of an action of this kind by duly serving upon the Comptroller of the City of New York, duly verified Notice of Claim and Intention to Sue, and that more than thirty (30) days have expired since service of same, and that the defendant has failed, refused and neglected to adjust the said claims, and these claims remain unadjusted, and unpaid, and that this action is being commenced within the time permitted by law.
13. The plaintiff has duly complied with the pre-requisites for the commencement of an action of this kind by duly serving upon the New York City Police Department, duly verified Notice of Claim and Intention to Sue, and that more than thirty (30) days have expired since service of same, and that the defendant has failed, refused and neglected to adjust the said claims, and these claims remain unadjusted, and unpaid, and that this action is being commenced within the time permitted by law.
14. That on November 3, 2014, a 50H hearing was held at the Offices of an agent the Comptroller of the City of New York and/or the New York City Police Department.
15. That said claim against the defendant remains open and unsettled.

**FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF
ASSAULT AND BATTERY**

16. Plaintiffs repeat each allegation above as though fully set forth herein at length.
17. On January 31, 2014, plaintiff was at third floor at 859 Crown Street, in the County of Kings, City and State of New York(hereinafter "the premises").

18. On January 31, 2014, at approximately 1:45 a.m., plaintiff was at the premises.
19. At the above-referenced time and place, plaintiff was arrested by the police defendants.
20. At the above-referenced time and place, the police defendants handcuffed the plaintiff.
21. At the above-referenced time and place, the police defendants ordered the plaintiff to ly on the floor.
22. At the above-referenced time and place, plaintiff complied and ly on the floor handcuffed.
23. At the above-referenced time and place, one of the police defendants put his foot on plaintiff's neck, as plaintiff ly on the floor handcuffed.
24. At the above-referenced time and place, the police defendants had a police dog at the premises.
25. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants ordered the police dog to attack the plaintiff.
26. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to attack the plaintiff and did nothing to stop the attack.
27. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to attack the plaintiff.

28. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to attack the plaintiff and did nothing to stop the attack.
29. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants continued to restrain the plaintiff as the police dog attacked the plaintiff.
30. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants ordered their police dog to bite the plaintiff.
31. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to bite the plaintiff and did nothing to stop the attack.
32. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to bite the plaintiff and did nothing to stop the attack.
33. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, and the police dog was biting the plaintiff, the police defendants did nothing to stop the attack.
34. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants continued to restrain the plaintiff as the police dog bit the plaintiff.
35. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants ordered their police dog to chew upon the plaintiff.

36. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to chew upon the plaintiff and did nothing to stop the attack.
37. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to chew upon the plaintiff and did nothing to stop the attack.
38. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, and as the police dog chewed upon the plaintiff, the police defendants did nothing to stop the attack.
39. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants continued to restrain the plaintiff as the police dog chewed upon the plaintiff.
40. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants ordered the police dog to jump upon the plaintiff.
41. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to jump upon the plaintiff and did nothing to stop the attack.
42. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to jump upon the plaintiff and did nothing to stop the attack.

43. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, as the police dog jumped upon the plaintiff, the police defendants did nothing to stop the attack.
44. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants continued to restrain the plaintiff as the police dog jumped upon the plaintiff.
45. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants ordered the police dog to shake the plaintiff.
46. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to shake the plaintiff and did nothing to stop the attack.
47. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to shake the plaintiff and did nothing to stop the attack.
48. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, and as the police dog shook the plaintiff the police defendants did nothing to stop the attack.
49. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants continued to restrain the plaintiff as the police dog shook the plaintiff.
50. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants ordered the police dog to gnaw on the plaintiff.

51. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to gnaw on the plaintiff and did nothing to stop the attack.
52. At the above-referenced time and place, and as plaintiff ly on the floor handcuffed, the police defendants allowed the police dog to gnaw on the plaintiff and did nothing to stop the attack.
53. At the above-referenced time and place, as plaintiff ly on the floor handcuffed, and as the police dog gnawed on the plaintiff, the police defendants did nothing to stop the attack.
54. At the above-referenced time and place, with one of the police defendants foot on the plaintiff's neck, and as plaintiff ly on the floor handcuffed, the police defendants continued to restrain the plaintiff as the police dog gnawed on the plaintiff.
55. At the above-referenced time and place, the police defendants assaulted the plaintiff.
- 56.. At the above-referenced time and place, the police defendants tortured the plaintiff.
57. At the above-referenced time and place, the police defendants harassed the plaintiff.
58. At the above-referenced time and place, the police defendants used force against the plaintiff.
59. At the above-referenced time and place, the police defendants used excessive force against the plaintiff.

60. At the above-referenced time and place, the police defendants physically abused the plaintiff.
61. Plaintiff in no way contributed to the aforesaid occurrence by any act of provocation on his part.
62. Plaintiff in no way contributed to the aforesaid occurrence by any wrongful act on his part.
63. Plaintiff in no way contributed to the aforesaid occurrence by any act of negligence on his part.
64. Plaintiff in no way contributed to the aforesaid occurrence by any act of resistance on his part.
65. Upon information and belief, at all times herein mentioned, the Police defendants were acting in the scope of their employment and duties with the City of New York.
66. Plaintiff in no way contributed to the aforesaid occurrence by any act on his part.
67. Upon information and belief, at all times herein mentioned, certain of the Police Defendants were supervisors.
68. Upon information and belief, at all times herein mentioned, the Police defendants were acting in their official capacities as police officers and a police dog.
69. The defendant is responsible for the acts of its servants, agents, employees and animals in the discharge of their duties.
70. The defendant is responsible for the acts of its servants, agents, employees and animals in the commission of torts.

71. By reason of the foregoing, plaintiff suffered personal injury with attendant pain and suffering; has suffered and will in the future suffer personal injury and psychological and emotional injury, and pain and suffering; was required to undergo medical treatment and may in the future be so required; has been and will in the future be deprived of the substantial enjoyment of life; has and will in the future be required to expend monies and incur obligations for medical, hospital and other health care treatment, all to his detriment in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction and is further entitled to punitive and exemplary damages.

**SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFF
NEGLIGENCE**

72. Plaintiff repeats each allegation above as though fully set forth herein at length.
73. Upon information and belief, at all times herein mentioned, the Police defendants were under the supervision of a superior officer (herin referred to as the "supervisor").
74. Upon information and belief, at all times herein mentioned, the supervisor was present when the police dog attacked the plaintiff.
75. Upon information and belief, at all times herein mentioned, the supervisor was present when the police dog bit the plaintiff.
76. Upon information and belief, at all times herein mentioned, the supervisor was present when the police dog jumped on the plaintiff.
77. Upon information and belief, at all times herein mentioned, the supervisor was present when the police dog shook the plaintiff.
78. Upon information and belief, at all times herein mentioned, the supervisor was present when the police dog gnawed on the plaintiff.

79. Upon information and belief, at all times herein mentioned, the supervisor was acting in his official capacity as a police supervisor.
80. The supervisor failed to stop the acts of his subordinates.
81. The supervisor was negligent in his supervision of the other Police defendants.
82. Upon information and belief, at all times herein mentioned, the police defendants were present when the police dog attacked the plaintiff.
83. Upon information and belief, at all times herein mentioned, the police defendants were present when the police dog bit the plaintiff.
84. Upon information and belief, at all times herein mentioned, the police defendants were present when the police dog jumped on the plaintiff.
85. Upon information and belief, at all times herein mentioned, the police defendants were present when the police dog shook the plaintiff.
86. Upon information and belief, at all times herein mentioned, the police defendants were present when the police dog gnawed on the plaintiff.
87. Upon information and belief, at all times herein mentioned, the police defendants were acting in their official capacity as a police officer.
88. The police defendants failed to stop the acts of the police dog.
89. The police defendants were negligent in their supervision of the Police dog.
90. The foregoing was caused by the negligence of the police defendants, their servants, agents and/or employees, in failing to supervise and/or adequately supervise; in failing to train and/or adequately train their police officers and superior police officers; in failing to have a sufficient number of police officers and/or superior police officers present; in allowing and/or failing to stop the said dog from attacking, biting and/or chewing upon and/or jumping upon and/or shaking and/or gnawing the plaintiff; in failing properly to train its personnel and dogs and/or police dogs; in negligently hiring and retaining its personnel and dogs

and/or police dogs; in failing to have adequate personnel and/or adequately trained personnel to supervise its officers and its dogs and/or police dogs; in failing to take steps to avoid this occurrence; in failing to promulgate and/or enforce reasonable rules and regulations dealing with use of force and/or dealings with civilians and/or criminals in the place where a police operation is in progress; in failing to monitor and/or adequately monitor the activities of the police officers involved; in negligently hiring its personnel; in failing to take steps to avoid this occurrence; and were otherwise negligent.

91. By reason of the foregoing, plaintiff suffered personal injury with attendant pain and suffering; has suffered and will in the future suffer personal injury and psychological and emotional injury, and pain and suffering; was required to undergo medical treatment and may in the future be so required; has been and will in the future be deprived of the substantial enjoyment of life; has and will in the future be required to expend monies and incur obligations for medical, hospital and other health care treatment, all to her detriment in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction and is further entitled to punitive and exemplary damages.

**THIRD CAUSE OF ACTION
ON BEHALF OF PLAINTIFF
VIOLATION OF FEDERALLY PROTECTED CIVIL RIGHTS 42 U.S.C. § 1983**

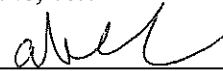
92. Plaintiff repeats each allegation above as though fully set forth herein at length.
93. Plaintiff is a citizen of the United States.
94. Plaintiff was, at all times herein mentioned, within the jurisdiction of the United States.
95. Upon information and belief, the aforementioned conduct of the Police Defendants was condoned by the defendant.

96. Upon information and belief, the aforementioned conduct of the Police Defendants was approved by the defendant.
97. Upon information and belief, the aforementioned conduct of the Police Defendants was in accordance with the custom and practice of the City of New York by its Police Department.
98. At all times herein mentioned, the police defendants acted under color of the laws of the State of New York.
99. At all times herein mentioned, the police defendants acted under color of the statutes, ordinances, regulations, customs and/or usages of the State of New York.
100. Plaintiff was thereby deprived of his rights under the United States Constitution.
101. Plaintiff was thereby deprived of his rights under the United States Constitution and laws.
102. Plaintiff was thereby deprived of his rights under the Fourth Amendment to the United States Constitution.
103. Plaintiff was thereby deprived of his rights under the Fifth Amendment to the United States Constitution.
104. Plaintiff was thereby deprived of his rights under the Fourteenth Amendment to the United States Constitution.
105. Plaintiff was thereby deprived of his penumbral rights under the United States Constitution.
106. Defendant thereby violated 42 U.S.C. § 1983.

107. As a result of the foregoing, plaintiff was deprived of the rights, privileges and immunities secured by the Constitution and the laws of the United States, suffered physical and emotional injury, and incurred medical and legal expenses, all to his damage in an amount which exceeds the jurisdictional limitations of all courts of inferior jurisdiction which would otherwise have jurisdiction hereof and punitive and exemplary damages and is further entitled to reasonable attorney's fees under 42 U.S.C. § 1988.

WHEREFORE, plaintiff Ronnie Alexander demands judgment in each of his three causes of action in an amount which exceeds the jurisdictional limitations of all courts of inferior jurisdiction which would otherwise have jurisdiction hereof, together with her legal fees in defense of her criminal action and together with attorney's fees in this action as provided by statute; together with the costs and disbursements of this action.

Yours, etc.



ALATSAS & TAUB, P.C.
2115 Avenue U
Brooklyn, NY 11229
718-891-1200

STATE OF NEW YORK)
) ss.:
COUNTY OF KINGS)

Rennie Alexander , being duly sworn, deposes and says:

Deponent is the plaintiff in the within action and has read the foregoing

Summons Answer complaint

and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, deponent believes them to be true.

x Rennie Alexander

Sworn to me this

5 day of December, 2004



Notary Public

ASHER E. TAUB
Notary Public, State of New York
No. 02TA5058998
Qualified in Queens County
Commission Expires April 22, 2016

10

CERTIFICATION

ASHER E. TAUB, an attorney-at-law duly admitted to practice law before the Courts of the State of New York, hereby certifies as follows:

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the paper or the contentions herein are not frivolous, as that term is defined in Part 130 of the Rules of the Chief Administrator (22 NYCRR).

DATED: Brooklyn, NY
December 5, 2014



ASHER E. TAUB

Index No. Year 2014

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

RONNIE ALEXANDER,

Plaintiff(s),

-against-

THE CITY OF NEW YORK, NEW YORK CITY
POLICE DEPARTMENT, POLICE OFFICER
JOHN DOE #1, POLICE OFFICER JOHN
DOE #2, POLICE OFFICER JOHN DOE #3,
POLICE OFFICER JANE DOE #1, POLICE
OFFICER JANE DOE #2, POLICE OFFICER
JANE DOE #3, the names of the Police
Officers being fictitious and
presently unknown to plaintiffs, but
intended to represent the individual
Police Officers and Superior Police
Officers involved as set forth below,

Defendant(s).

SUMMONS AND VERIFIED COMPLAINT

ALATSAS & TAUB, P.C.
Attorney for Plaintiff(s)

Office and Post Office Address, Telephone
2115 Avenue U
Brooklyn, New York 11229
718-891-1200

To:

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for